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ATTORNEY DOCKET NO. FIRST NAMED INVENTOR CONFIRMATION NO. APPLICATION NO. FILING DATE 10/058,305 01/30/2002 Yukihiro Nakasaka 111568 7354 EXAMINER 25944 08/24/2004 7590 **OLIFF & BERRIDGE, PLC** MOHANTY, BIBHU R P.O. BOX 19928 ART UNIT PAPER NUMBER ALEXANDRIA, VA 22320 3747

Please find below and/or attached an Office communication concerning this application or proceeding.

		1 11 /1
	Application No.	Applicant(s)
Office Action Summary	10/058,305	NAKASAKA ET AL.
	Examiner	Art Unit
	Bibhu Mohanty	3747
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPLY	Y IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply if NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on elect	ion filed 5-14-04.	
• • • • • • • • • • • • • • • • • • • •	action is non-final.	
3) Since this application is in condition for allowar	nce except for formal matters, pro	secution as to the merits is
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.		
Disposition of Claims		
4)⊠ Claim(s) <u>19-24 and 32-35</u> is/are pending in the	application.	
4a) Of the above claim(s) 1-18,25-31,36 and 37 is/are withdrawn from consideration.		
5) Claim(s) is/are allowed.		
6)⊠ Claim(s) <u>19-24 and 32-35</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and/o	r election requirement.	
Application Papers		
9) The specification is objected to by the Examine	er.	
10) \boxtimes The drawing(s) filed on <u>30 January 2002</u> is/are: a) \boxtimes accepted or b) \square objected to by the Examiner.		
Applicant may not request that any objection to the		
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).		
11)☐ The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form PTO-152.
Priority under 35 U.S.C. § 119		
12)⊠ Acknowledgment is made of a claim for foreign a)⊠ All b)□ Some * c)□ None of:	priority under 35 U.S.C. § 119(a))-(d) or (f).
1. ☐ Certified copies of the priority documents have been received.		
2. Certified copies of the priority document		on No.
3. Copies of the certified copies of the prior		
application from the International Bureau		·
* See the attached detailed Office action for a list		ed.
Attachment(s)		
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) 🔲 Interview Summary Paper No(s)/Mail Da	
 Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 		Patent Application (PTO-152)

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DETAILED ACTION

1. Applicants election has been received and fully considered. In view of the applicant's remarks claim 35 has been added to the elected Group. The remainder of the restriction requirement has been reviewed and is deemed proper. Accordingly, the restriction requirement is hereby made FINAL.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-24, 35 are rejected under 35 U.S.C. 102(b) as being anticipated by LoRusso et al. US Patent 5,377,6542.

LoRusso has disclosed the invention as claimed showing a control apparatus (EEC 18) for an engine in which the operation angle (the intake valve lift) for each individual cylinder is controlled to reduce variation among the cylinders.

Note by controlling the valve lift for each cylinder that the air-fuel ratio is also controlled to reduce variation among the cylinders. The control apparatus also controls the fuel quantity (the fuel charge) on the basis of a correction signal.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bibhu Mohanty whose telephone number is 703 308-3706. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 703 308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bibhu Mohanty Primary Examiner Art Unit 3747

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